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8 PNC Bank, N.A.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA — SAN FRANCISCO DIVISION

11
12 THREE CROWN APARTMENTS, LLC, a
13 Delaware limited liability company,

14 Plaintiff,

15 vs.

16 PNC BANK, a national banking association,

17 Defendant.

Case No. CV 12 3579 EDL

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME FOR
DEFENDANT TO FILE A REPLY BRIEF
IN SUPPORT OF ITS MOTION TO
DISMISS**

Date: October 16, 2012

Time: 9:00 a.m.

Crtrm.: E

Fifteenth Floor

450 Golden Gate

San Francisco, CA 94102

Judge: Hon. Elizabeth D. Laporte

Action Filed: July 9, 2012

Trial Date: n/a

STIPULATION

Pursuant to Local Rule 6-2, Plaintiff Three Crown Apartments, LLC (“Plaintiff”) and Defendant PNC Bank, N.A. (“Defendant”) by and through their respective counsel, hereby stipulate and request the Court’s Order that Defendant shall have three more business days to file a reply memorandum in support of Defendant’s motion to dismiss Plaintiff’s First Amended Complaint (“FAC”).

In support of this stipulation, the parties state the following:

1. Defendant filed a motion to dismiss Plaintiff’s FAC on September 6, 2012. The hearing on the motion is set for October 16, 2012.

2. On September 20, 2012, Plaintiff filed its opposition to Defendant’s motion to dismiss.

3. Defendant’s reply in support of its motion to dismiss the FAC is currently due on September 27, 2012.

4. The parties hereby stipulate and request that the Court extend the time for the filing of Defendant’s reply in support of its motion to dismiss by three business days, to **Tuesday, October 2, 2012.**

5. In support of this stipulation and request, Defendant states that significant lawyers and representatives for and at PNC Bank will be observing Yom Kippur beginning sundown Tuesday, September 25 and not return to work until the due date of the reply brief on Thursday, September 27. *See* Declaration of Duane M. Geck In Support of the Parties Stipulated Request to Extend Time for Defendants to File a Reply Brief (“Geck Decl.”), file concurrently therewith, ¶¶ 5-6.

6. No previous schedule modifications were made in the case, either by stipulation or by Court Order. Geck Decl. ¶ 7.

7. The stipulated request will result in only a minor delay to the briefing schedule, and will allow the Court two weeks to consider the papers. Geck Decl. ¶ 8.

WHEREFORE, the parties stipulate and respectfully request the Court that the time for Defendant to file a reply memorandum in support of Defendants’ motion to dismiss Plaintiff’s

1 FAC to **October 2, 2012**, and that the hearing date on Defendants' motion to dismiss remain as
2 set on **October 16, 2012**.

3 **IT IS SO STIPULATED.**

4 DATED: September 24, 2012

SEVERSON & WERSON, P.C.

6 By: /s/ Duane M. Geck
Duane M. Geck

7
8 Attorneys for Defendant
PNC, BANK, N.A.

1 DATED: September 24, 2012

McGRANE LLP

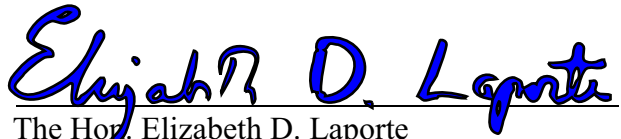
2
3 By: /s/ William McGrane
William McGrane

4
5 Attorneys for Plaintiff
THREE CROWN APARTMENTS, LLC

6 ~~[PROPOSED]~~ ORDER

7
8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 Dated: September 26, 2012

10 
The Hon. Elizabeth D. Laporte
United States District Court Magistrate Judge